

October 18, 2006

Re: "Request for Waiver"

CC Docket No. 96-45 and CC Docket No. 02-6

Newkirk Public School District 29

Billed Entity Number 140283

Form 471 Application Number: 538596

Funding Request Number(s): 1492499, 1492500, 1492504, 1492505

This letter is to request a waiver of rules pertaining to the deadline of a USAC (E-RATE) Form 471 that was submitted "Postmarked Outside of Window" by the Osage County Interlocal Cooperative (OCIC) on behalf of Newkirk Public School, in January 2006. OCIC assists its member school districts with various services, including filing several of the OCIC member districts' E-rate applications. Newkirk's Form 471 application was one of the last two to be filed electronically on January 10, 2006. The person filing these applications, Ms. Washman, experienced problems getting Newkirk's, and one other district's, form to submit. Consequently, she phoned the Schools & Libraries Division help desk. She spoke with a lady named Betty, who told her to check her firewall, as it was most likely causing the problem. Ms. Washman explained that she had already submitted several other applications without problems. Ms. Washman documented the date and time that the call was made to the help desk. Ms. Washman then proceeded to speak with the OCIC technology specialist who informed Ms. Washman that it was not the firewall that was causing the application to fail. Ms. Washman phoned the help desk once again and spoke to a gentleman named Dillon. Dillon told Ms. Washman to submit the handwritten application by U.S. Postal Service. Ms. Washman has previous experience submitting applications successfully using the electronic method, but had never submitted applications using any other method. Dillon did not provide Ms. Washman with the notice that there was a different posting deadline date for submission via postal mail, and because Ms. Washman is not the formal contact person for E-rate, she did not have access to information that would have told her otherwise. Had Ms. Washman been made aware of the different dates for posting, the applications would have been sent by the postmark deadline date. Also, because the OCIC contact person, Tony Griffin, was in the process of resigning his position during the same time that this filing period occurred, the bulk of the responsibility was given to Ms. Washman.

Unfortunately, Ms. Washman had no previous training other than the clerical role of transferring the written application to the on-line form.

In July, after I was made the contact person for OCIC, I talked by phone to a USAC manager about the steps relayed by help desk representatives to get the forms submitted. I was told that either Betty or Dillon should have told Ms. Washman to clear the system's cache or to change computers and continue to attempt to file the application electronically. According to Ms. Washman's log of notes taken on this date, neither option was given her to try. After the appeal to the USAC was denied, OCIC requested the phone log from the USAC that would support the fact that OCIC made every attempt to file the application electronically during the window deadline. The USAC informed OCIC that such phone logs are not kept.

Again, as stated in the appeal letter to the USAC, no fraud or abuse was intended with this application on the part of OCIC or Newkirk School. The application was completed in the office by OCIC staff that works directly with staff at Newkirk School in getting the necessary information to complete the form. It was assumed that the application was submitted on time using accurate information, and that Newkirk School would receive E-rate funding. Newkirk School is a rural school that will greatly miss the reimbursement dollars should this application not be approved. OCIC has a new technology specialist and a new contact person since this application was originally submitted. There have been several meetings and discussions on the steps that took place during prior application submissions, and procedures have been put in place to prevent this type of occurrences in the future.

Thank you for allowing the OCIC and Newkirk Schools to submit this request for your consideration. I think that the explained situation falls under the category of "extenuating circumstances," and I hope that you will allow Newkirk School to receive its funding.

Sincerely,

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